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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/195,270	11/18/1998	KATSUHIRO OCHIAI	P/2054-95	4140

7590 01/28/2003

STEVEN I WEISBURD ESQ  
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP  
1177 AVENUE OF THE AMERICAS - 41ST FLOOR  
NEW YORK, NY 10036

EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 01/28/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Advisory Action**

Application No.

09/195,270

Applicant(s)

OCHIAI ET AL.

D

Examiner

Jason P Salce

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because: [see attached]
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

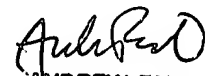
Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

**Continuation of Item 5 on Advisory**

Applicant's arguments filed 12/31/02 have been fully considered but they are not persuasive.

Applicant's request for withdrawal of the finality of the present rejection is denied. Applicant added two new independent claims 15 and 16, which clearly contain new limitations that ~~required~~ required the examiner to provide a more extensive search. Therefore, the finality of the present application stands.

Applicant argues that that the unified notation does not identify the first and second broadcast stream. The examiner cites Column 8, Lines 2-7, specifically with reference to the reception instructions containing a parameter for a "signal source", which can be used to determine between a first and second broadcast signal.

Applicant also argues that the claims of the present invention discloses "programs" and that Mankovitz is only concerned with capturing program guide information. Examiner disagrees, and cites Column 8, Lines 10-13 of Mankovitz, which states, "allows the viewer to tune and display channels". Therefore, Mankovitz does receive electronic program guide data (in the VBI), but also receives programs. The examiner also notes that the term "programs", which the applicant states is explicitly recited in the claims of the present application is not recited in independent claim 15. The term "resources" is used, which is broader than the term programs.

Applicant also argues that at least one program and at least one program guide are broadcast over plural paths. Examiner sees no reference to program guide data in the claims.

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Applicant also argues that Mankovitz in view of Williams fails to cure the deficiency in Mankovitz discussed above regarding the unified notation. Examiner assumes the deficiency the applicant is referring to the argument made with regards to the unified notation not identifying a first and second broadcast stream. See rebuttal made above in regards to this argument.